IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 26081 of 2001

Between:

M/s. Sri Rama Industries, T.D. Janardhan Nagar, K. Agraham,
Rep. by N.Srinivasa Rao, S/o N.Venkata Narsaiah,
Jagayyapet - 521 175. Krishna District.

..... PETITIONER

AND

1 The Divisional Electrical Engineer, Operation Rural,
Southern Power Distribution Company of A.P. Limited,
Vijayawada-2.
2 The Assistant Divisional Engineer, Operation,
The Southern Power Distribution Power Distribution Company of
A.P. Limited, Chillakallu, Jagayyapet Mandal - 521 175. Krishna
District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction and declare the impugned proceedings of the 1st Respondent in proceedings. No.DEE/O/VJA/Tech/F.No. /D.No.4137./01, dt.23.10.2001 as illegal, without jurisdiction and violative of the relevant provisions of the Electricity (Supply) Act, 1948 and of the Conditions of Supply contained in Terms and Conditions of Supply of Electrical energy contained in B.P.Ms.No.690, dt 17.9.1975 and consequently direct the respondents not to disconnect the supply of electricity to the meter of the petitioner bearing SC.No.203 CAT III.K.Agraharam, Jaggayyapet Mandal, Krishna District.

Counsel for the Petitioner:MR.V.T.M.PRASAD

Counsel for the Respondents: MR. J. SIDDAIAH.

The Court made the following :

ORDER:

Heard Sri V.T.M.Prasad, the learned counsel appearing for the petitioner and Sri J.Siddaiah, the learned Standing Counsel appearing on behalf of the respondents.

The case pertains to the back billing and as the cause of action arose on 05.02.2001, the said question squarely falls within the principles laid down in ***Klayman Procelains Limited, Hyderabad and others v. Superintending Engineer, Operation, Mahabubnagar Circle, A.P.S.E.Board, Hyderabad and others.***

Following the same, the writ petition is accordingly disposed of permitting the petitioner to approach the Tribunal within a period of four weeks from today. It is needless to mention that the interim stay granted by this Court shall continue to remain in operation till the disposal of the appeal by the said Tribunal. The Tribunal shall dispose of the same within a period of three months from the date of its filing. No costs.

B. PRAKASH RAO, J

27th January 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Divisional Electrical Engineer, Operation Rural,
Southern Power Distribution Company of A.P. Limited,
Vijayawada-2.
2 The Assistant Divisional Engineer, Operation,
The Southern Power Distribution Power Distribution Company of A.P. Limited, Chillakallu, Jagayyapet Mandal - 521 175. Krishna District.

3 Two C.D. copies.